IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION NO. 2381 OF 2006

C.H. Java and Co. ... Petitioner.
V/s.
State Bank of India. ... Respondent.

Mr S.K. Chaturvedi i/b Chaturvedi & Associate for the petitioner.
Mr Naushad Engineer with Darshan Mehta i/b Dhruve Liladhar & Co. for the respondents.

CORAM : DR.S.RADHAKRISHNAN and V.C.DAGA, JJ.
DATED : 23rd April 2007.

P.C. :
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1. Heard the learned counsel for the parties.

2. The learned counsel for the petitioner says that subsequent to the order of the D.R.A.T.dated 27.6.2006, the respondent bank has already recovered the entire amount payable from M/s Trade Aid & Paper Allied Products (India) Private Limited and he wants to place the said details on record. In view of the above the learned counsel for the petitioner says that nothing is now due and payable to the respondent bank by the petitioner. If that be so, it is made clear that the petitioner will be entitled to raise this plea in the event the respondent bank were to initiate any execution proceedings. As such the present petition is premature. Hence we dismiss the same. All rival contentions of both sides on merits are kept open including the challenge to the above order dated 27.6.2006.

(V.C.DAGA, J.) **(DR.S.RADHAKRISHNAN, J.)**